

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Heather A. Wert,

Plaintiff,

v.

Case No. 1:17cv477

Commissioner of Social Security,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on October 26, 2020 (Doc. 45).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 45) have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 45) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, plaintiff’s Motion for Attorney Fees (Doc. 40) under the Social Security Act, 42 U.S.C. § 406(b), is **GRANTED** and counsel is **AWARDED** attorney fees in the amount of \$10,536.57.<sup>1</sup>

**IT IS SO ORDERED.**

/s/ Michael R. Barrett

Michael R. Barrett, Judge  
United States District Court

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<sup>1</sup> As noted by the Magistrate Judge, counsel has acknowledged that any award of fees under § 406(b) must be offset by the previous award of Equal Access to Justice Act (“EAJA”) fees (see Doc. 31) in the amount of \$2,422.50. Thus, if paid to counsel, the \$2,422.50 EAJA fee must be refunded to plaintiff.